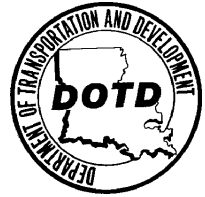




STATE OF LOUISIANA
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
P.O. Box 94245
Baton Rouge, Louisiana 70804-9245
Section 24



JOINT USE AGREEMENT (JUA)
APPEAL PROCESS
November 2012

DOTD has a responsibility to design, operate and maintain highway facilities that are safe and efficient for drivers. If the individual seeking assistance for a Joint Use Agreement is not satisfied with the final decision rendered by DOTD, the individual has the option of submitting a formal appeal to the DOTD Appeal Board.

APPEAL PROCEDURE:

The following procedure is hereby established for requesting a formal appeal with the DOTD Appeal Board as outlined in EDSM VI.1.1.7

1. The applicant shall notify the District Permit Specialist, District Administrator and the HQ ROW Permit Engineer of his intent to file a formal appeal.
2. The applicant is to submit a written request for a review by the Appeal Board. The request shall be submitted to the HQ ROW Permit Engineer with a copy to the District Administrator. The request should note the reason for the appeal and include all relevant information supporting the applicant's reason for the appeal. This includes all correspondence between the applicant and DOTD District or HQ ROW Permit Engineer as applicable, relevant historical information and any other supporting documents the applicant wishes to include. The request should be submitted 30 days prior to the next scheduled Appeal Board meeting. Since the number of appeals and the order in which appeal requests are submitted establishes the monthly board agenda, the appeal request will be added to the next available agenda.
3. The involved DOTD representative(s) shall also prepare a letter and submit to the HQ ROW Permit Engineer. The letter should provide their position on the appeal request and shall also include all relevant information pertaining to the appeal.
4. The HQ ROW Permit Section shall prepare a package consisting of the submittals presented by DOTD and the applicant, including a brief summary of the reason for the appeal request. A position paper will also be prepared by the HQ ROW Permit Section and included with this appeal package. The position paper will detail any rules, policies, and/or any other pertinent information related to the appeal in order to assist the Board in making a decision. The HQ ROW Permit Section may request additional information from any party for inclusion in the final package.
5. Based on the appeal, the HQ ROW Permit Section will assign a subject matter expert to provide technical guidance to the Appeal Board at the monthly meeting. A District representative may also be present, as applicable.

6. Following the monthly Appeal Board meeting, the HQ ROW Permit Section shall prepare a written letter outlining the results of the appeal hearing and send a copy to the applicant and DOTD/FHWA within 30 days.

7. In some cases, the Appeal Board may request additional information or recommend an alternative solution. The HQ ROW Permit Section representative will inform the DOTD/FHWA and if favorable to that solution, the applicant will be notified of the proposed solution. If the DOTD/FHWA is not favorable to the proposed solution, the Appeal Board will be notified and at their discretion, make a final decision on the appeal request.

For further information concerning the DOTD ROW Permit Section Appeal Process, please contact the section's administrator, Ms. JoAnn Kurts at 225-379-1427 or JoAnn.Kurts@la.gov.

All formal appeal requests shall be submitted to:

LA DOTD
Attn. Beyong Lim, P.E.
HQ ROW Permit Engineer
Section 24
P.O. Box 94245
Baton Rouge, LA 70804-9245

Physical address:
1201 Capitol Access Rd.
Baton Rouge, LA 70802
Room S627